

REMARKS

The present Amendment is in response to the Final Office Action mailed October 13, 2005, and further to the telephone discussion of December 7, 2005 with Examiner.

As an initial matter, Applicants respectfully thank the Examiner for extending the courtesy of conducting an after final interview.

In accordance with the above noted telephone discussion, claims 1, 8, and 12 have been amended. Essentially, the amendment of each of these independent claims has been done in accordance with the Examiner's suggestions set forth in the Final Office Action. Namely, the different recitations relating to the concave and/or convex arcs extending *between* leading and trailing ends of the articulation surfaces have been amended to read that the concave and/or convex arcs extend *from* leading and trailing ends of the articulation surfaces. This was discussed and agreed upon in the telephone discussion of December 7, 2005. The Examiner stated that such claim amendments would overcome the cited prior art.

As the present Amendment has been agreed upon with Examiner, it is respectfully requested that the rejections set forth in the Final Office Action be removed and the newly amended claims be moved into a condition for allowance.

As it is believed that all of the rejections set forth in the Final Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge

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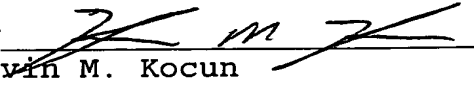
Docket No.: SPINE 3.0-455 CONT II

Deposit Account No. 12-1095 therefor.

Dated: January 4, 2006

Respectfully submitted,

By


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